

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

ELVIS ANDERSON,)	
)	
Petitioner,)	
)	
v.)	No. 2-21-cv-2692-MSN-tmp
EUGENE LAURENZI,)	
)	
Respondent.)	

**ORDER DENYING LEAVE TO PROCEED IN FORMA PAUPERIS
ORDER DISMISSING PETITION WITHOUT PREJUDICE FOR
FAILURE TO PROSECUTE**

On November 2, 2021, Petitioner Elvis Anderson, Bureau of Prisons register number 24360-076, an inmate at the Federal Correctional Institution in Memphis, Tennessee, filed a habeas corpus petition under 28 U.S.C. § 2241. (ECF No. 1.) However, Petitioner neglected to either pay the \$5.00 habeas filing fee or submit a proper *in forma pauperis* affidavit and a copy of his trust account statement as per 28 U.S.C. § 1914(a). Therefore, the Court issued an Order on November 4, 2021, directing Petitioner to either pay the filing fee or submit an application to proceed *in forma pauperis* and a certified copy of his inmate trust account statement. (ECF No. 3.)

On November 15, 2021, Petitioner filed a motion for clarification concerning the order requiring him to pay the habeas corpus filing fee. (ECF No. 5.) The Court issued a second order on December 15, 2021, directing Petitioner to pay the habeas filing fee within 30 days or submit a motion to proceed in forma pauperis and a copy of his trust fund account statement. (ECF No. 7.) Petitioner was warned that, “[f]ailure to comply...will result in dismissal of this action without further notice for failure to prosecute, pursuant to Federal Rule of Civil Procedure 41(b).

On January 31, 2022, Petitioner submitted an *in forma pauperis* affidavit, but did not include a copy of his trust fund account statement. (ECF No. 10.)

Petitioner has not complied with the Court's Order within the required time, notwithstanding the Court's warning. Accordingly, the motion for leave to proceed *in forma pauperis* is **DENIED**, and the Petition is hereby **DISMISSED WITHOUT PREJUDICE** for failure to prosecute, pursuant to Federal Rule of Civil Procedure 41(b).

IT IS SO ORDERED, this 23rd day of February, 2022.

s/ Mark Norris

MARK S. NORRIS

UNITED STATES DISTRICT JUDGE